

House File 2162 - Introduced

HOUSE FILE 2162

BY ANDERSON

A BILL FOR

1 An Act relating to limited English proficient education by
2 modifying the supplementary weighting for limited English
3 proficient students, requiring the establishment of a
4 limited English proficient advisory group, requiring the
5 creation of a committee within the department of education,
6 modifying provisions relating to the special instruction of
7 limited English proficient students, and including effective
8 date provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, Code 2014, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 33. Adopt rules, following consultation
4 with area education agencies, the limited English proficient
5 advisory group established under section 280.4, subsection 4,
6 the limited English proficient committee established under
7 section 256.9, subsection 65, and other stakeholders, that
8 set statewide standards for the training, certification, and
9 compliance of school employees that provide special instruction
10 to limited English proficient students, as required by section
11 280.4.

12 NEW SUBSECTION. 34. Adopt rules that establish standards
13 for the inclusion of research pertaining to the identification
14 and instruction of limited English proficient students by any
15 task force, committee, or advisory group, convened by the
16 department, a division or bureau within the department, a
17 school district, or an area education agency.

18 Sec. 2. Section 256.9, subsection 53, paragraph c,
19 subparagraph (1), Code 2014, is amended by adding the following
20 new subparagraph divisions:

21 NEW SUBPARAGRAPH DIVISION. (h) Instructional strategies
22 for limited English proficient students, strategies for
23 identifying limited English proficient students, and
24 professional development strategies and materials to
25 support teacher effectiveness in limited English proficient
26 instruction.

27 NEW SUBPARAGRAPH DIVISION. (i) Data reports on attendance
28 center, school district, and statewide progress in the
29 instruction of limited English proficient students in the
30 context of student, attendance center, and school district
31 demographic characteristics.

32 Sec. 3. Section 256.9, Code 2014, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 65. Establish a permanent limited English
35 proficient committee within the department to review and

1 make recommendations relating to the instruction of limited
2 English proficient students. The committee shall work with
3 relevant stakeholders, including the advisory group established
4 pursuant to section 280.4, subsection 4, to examine the best
5 practices for such instruction, review funding provided to
6 school districts under section 280.4 and funding from other
7 sources, facilitate and implement research-based reading and
8 writing instruction for limited English proficient students,
9 and facilitate and implement programs to identify limited
10 English proficiency during early childhood. The committee
11 shall include at least one representative from each division or
12 bureau of the department.

13 Sec. 4. Section 257.31, subsection 5, paragraph j, Code
14 2014, is amended to read as follows:

15 *j.* Unusual need to continue providing a program or other
16 special assistance to non-English speaking pupils after the
17 expiration of the ~~five-year~~ period of years specified in
18 section 280.4.

19 Sec. 5. Section 280.4, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. The medium of instruction in all secular subjects
22 taught in both public and nonpublic schools shall be the
23 English language, except when the use of a foreign language
24 is deemed appropriate in the teaching of any subject or when
25 the student is limited English proficient. When the student
26 is limited English proficient, both public and nonpublic
27 schools shall provide special instruction, which shall include
28 but need not be limited to either instruction in English
29 as a second language or transitional bilingual instruction
30 until the student is fully English proficient or demonstrates
31 a functional ability to speak, read, write, and understand
32 the English language. Each school district shall develop a
33 research-based instruction plan for limited English proficient
34 students. Each school district shall include its plan in
35 the school district's comprehensive school improvement plan

1 submitted pursuant to section 256.7, subsection 21. As
 2 used in this section, "*limited English proficient*" means a
 3 student's language background is in a language other than
 4 English, and the student's proficiency in English is such
 5 that the probability of the student's academic success in
 6 an English-only classroom is below that of an academically
 7 successful peer with an English language background. "*Fully*
 8 *English proficient*" means a student who is able to read,
 9 understand, write, and speak the English language and to use
 10 English to ask questions, to understand teachers and reading
 11 materials, to test ideas, and to challenge what is being asked
 12 in the classroom.

13 Sec. 6. Section 280.4, subsection 3, Code 2014, is amended
 14 to read as follows:

15 3. a. (1) In order to provide funds for the excess
 16 costs of instruction of limited English proficient students
 17 specified in paragraph "b" above the costs of instruction of
 18 pupils in a regular curriculum, students identified as limited
 19 English proficient shall be assigned an additional weighting
 20 ~~of twenty-two hundredths~~ according to subparagraph (2), and
 21 that weighting shall be included in the weighted enrollment of
 22 the school district of residence for a the period not exceeding
 23 five of years specified in paragraph "b". However, the school
 24 budget review committee may grant supplemental aid or a
 25 modified supplemental amount to a school district to continue
 26 funding a program for students after the expiration of the
 27 ~~five-year~~ specified period of years.

28 (2) For budget years beginning on or before July 1, 2013,
 29 students identified as limited English proficient shall be
 30 assigned an additional weighting of twenty-two hundredths. For
 31 the budget year beginning July 1, 2014, students identified
 32 as limited English proficient shall be assigned an additional
 33 weighting of twenty-six hundredths. For the budget year
 34 beginning July 1, 2015, and each budget year thereafter,
 35 students identified as limited English proficient shall be

1 assigned an additional weighting of thirty hundredths.

2 b. (1) For students first determined to be limited English
3 proficient for a budget year beginning on or after July
4 1, 2010, but before July 1, 2014, the additional weighting
5 provided under paragraph "a" shall be included in the weighted
6 enrollment of the school district of residence for a period
7 not exceeding five years beginning with the budget year for
8 which the student was first determined to be limited English
9 proficient.

10 (2) For students first determined to be limited English
11 proficient for the budget year beginning on July 1, 2014, the
12 additional weighting provided under paragraph "a" shall be
13 included in the weighted enrollment of the school district of
14 residence for a period not exceeding six years beginning with
15 the budget year for which the student was first determined to
16 be limited English proficient.

17 (3) For students first determined to be limited English
18 proficient for a budget year beginning on or after July 1,
19 2015, the additional weighting provided under paragraph "a"
20 shall be included in the weighted enrollment of the school
21 district of residence for a period not exceeding seven years
22 beginning with the budget year for which the student was first
23 determined to be limited English proficient.

24 Sec. 7. Section 280.4, Code 2014, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 4. a. The director of the department
27 of education shall establish a permanent limited English
28 proficient advisory group to review and make recommendations
29 relating to the instruction of limited English proficient
30 students. The advisory group shall work with relevant
31 stakeholders to conduct an examination of best practices for
32 such instruction and a review of funding provided to school
33 districts under section 280.4 and funding from other sources.
34 The advisory group shall annually develop recommendations for
35 consideration by the limited English proficient committee

1 the explanation's substance by the members of the general assembly.

2 This bill relates to limited English proficient education
3 by modifying the supplementary weighting for limited English
4 proficient students, requiring the establishment of a limited
5 English proficient advisory group, requiring the creation of
6 a committee within the department of education, and modifying
7 provisions relating to the special instruction of limited
8 English proficient students.

9 Current Code section 280.4 provides supplementary weighting
10 for the excess costs of instruction of limited English
11 proficient students. The current amount of the supplementary
12 weighting for students identified as limited English proficient
13 is 0.22 per student. The weighting is provided for those
14 students first determined to be limited English proficient for
15 a budget year beginning on or after July 1, 2010, and may be
16 included in the weighted enrollment of the school district for
17 a period not exceeding five years.

18 For the school budget year beginning on July 1, 2014, the
19 bill increases the amount of the supplementary weighting for
20 those students identified as limited English proficient to 0.26
21 per student. For the budget year beginning on July 1, 2015,
22 and each budget year thereafter, those students identified as
23 limited English proficient shall be assigned an additional
24 weighting of 0.30 per student.

25 The bill also specifies the number of years during which the
26 additional weighting may be included in the school district's
27 weighted enrollment. For students first determined to be
28 limited English proficient for a budget year beginning on or
29 after July 1, 2010, but before July 1, 2014, the additional
30 weighting may be included for a period not exceeding five
31 years. For students first determined to be limited English
32 proficient for the budget year beginning on July 1, 2014, the
33 additional weighting may be included for a period not exceeding
34 six years. For students first determined to be limited English
35 proficient for a budget year beginning on or after July 1,

1 2015, the additional weighting may be included for a period not
2 exceeding seven years.

3 The bill requires each school district to develop a
4 research-based instruction plan for limited English proficient
5 students and requires such plan to be included in the school
6 district's comprehensive school improvement plan submitted
7 pursuant to Code section 256.7(21).

8 The bill requires the director of the department of
9 education to establish a permanent limited English proficient
10 advisory group to review and make recommendations relating to
11 the instruction of limited English proficient students. The
12 bill also establishes requirements relating to the membership
13 of the advisory group.

14 The bill also requires the director of the department
15 of education to establish a permanent limited English
16 proficient committee within the department to review and make
17 recommendations relating to the instruction of limited English
18 proficient students. The bill requires the committee to work
19 with relevant stakeholders, including the limited English
20 proficient advisory group required to be established under
21 the bill, to examine the best practices for such instruction,
22 review funding sources, facilitate and implement research-based
23 reading and writing instruction for limited English proficient
24 students, and facilitate and implement programs to identify
25 limited English proficiency during early childhood. The
26 committee must include at least one representative from each
27 division or bureau of the department of education.

28 The bill requires the Iowa reading research center,
29 established by the director of the department of education
30 pursuant to Code section 256.9(53)(c), to provide for the
31 development and dissemination of specified strategies and data
32 reports related to limited English proficient students.

33 The bill requires the state board of education to adopt
34 rules, following consultation with area education agencies and
35 stakeholders, that set statewide standards for the training,

1 certification, and compliance of school employees that provide
2 special instruction to limited English proficient students.

3 The bill also requires the state board of education to adopt
4 rules that establish standards for the inclusion of research
5 pertaining to the identification and instruction of limited
6 English proficient students by any task force, committee, or
7 advisory group, convened by the department, a division or
8 bureau within the department, a school district, or an area
9 education agency.

10 This bill may include a state mandate as defined in Code
11 section 25B.3. The bill requires that the state cost of
12 any state mandate included in the bill be paid by a school
13 district from state school foundation aid received by the
14 school district under Code section 257.16. The specification
15 is deemed to constitute state compliance with any state mandate
16 funding-related requirements of Code section 25B.2. The
17 inclusion of this specification is intended to reinstate the
18 requirement of political subdivisions to comply with any state
19 mandates included in the bill.

20 The bill takes effect upon enactment.